Global Approaches to Defamation

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What is Defamation?

- A communication to a third party that has harmed the reputation of a person or body.
- Generally the statement should be false and factual.
- Other defences include reasonable publication, privilege, and innocent dissemination.
Criminal Defamation?

- Many people believe that criminal defamation laws, by their nature, violate international human rights norms.
- This violates the “necessity” branch of the three-part test.
Civil Defamation

- Remedies should be proportionate - usually in the form of monetary compensation and/or the printing of a retraction.
There is some debate as to whether public bodies should be allowed to sue for defamation - many established democracies say no.

Public officials have somewhat more leeway to sue than public bodies, but their position opens them to a wider margin of legitimate criticism than others.